

REMARKS

Reconsideration of this application, and the rejection of claims 1-13 are respectfully requested. Applicants have attempted to address every objection and ground for rejection in the Office Action dated October 25, 2002 (Paper No. 8) and believe the application is now in condition for allowance. The drawings, specification and claims have been amended to more clearly describe the present invention.

The disclosure stands objected to due to an informality, that the sentence on page 6, line 8 is incomplete. As amended, the sentence now reads: "The handle 1 is provided with a second hand grip 60." The objection is respectfully traversed.

The drawings stand objected to as lacking subject matter recited in claim 6. New FIG. 6 has been inserted which depicts the features described in claim 6 and on page 4, lines 11-15 of the specification. It is submitted that no new matter has been entered.

Claims 11 and 13 stand objected to as being of improper dependent form. As amended, claim 11 now depends from claim 10. Claim 10 has been amended to depend from claim 7. Claim 13 has been canceled, rendering moot that portion of the rejection.

Claims 6, 8, 9 and 10 stand rejected under 35 U.S.C. §112 as being nonenabling. Applicants have inserted new Figure 6 and have rewritten the paragraph on page 4, lines 11-15 into the Best Modes section of the specification. No new matter has been entered. Applicants respectfully submit that one of ordinary skill in the art knows what a button is, and how a button can be used as a switch actuator. Anyone of ordinary skill, based

on the specification as filed, would know to place the button switch near the grip 4 in similar fashion to the lever 5. Furthermore, the conversion of electrical to mechanical energy is common in the mechanical arts, as is exemplified by solenoids, which are widely used in many applications. The disposition of the electrical device 96 relative to the tool 2 is also easily within the knowledge of one of ordinary skill, as the device needs to be positioned in operational relationship to the trigger 10. Accordingly, in view of the amendments to the drawings and specification and these remarks, the rejection based on Section 112, first paragraph, is respectfully traversed.

Claim 11 stands rejected under 35 USC §112, second paragraph, as being indefinite. Specifically, “the trigger” lacks antecedent basis. As amended, claim 11 now depends from claim 10, which should have clarified this point. In addition, the claim recites, among other things, that the trigger is associated with the nail gun. Accordingly, the rejection of claim 11 based on Section 112 is respectfully traversed.

Claims 1-3, 5, 7 and 12 stand rejected under 35 USC §102(b) as being anticipated by Fox (US 5,598,892). As amended, claim 1 recites, among other things, features of canceled claims 12 and 13, that the second hand grip is adjustably positioned along the length of the shaft. In view of the failure of Fox to disclose or suggest any such structure, the rejection is respectfully traversed.

Claim 4 stands rejected under 35 USC §103(a) as being obvious in view of Fox. Applicants respectfully assert that claim 4 depends from claim 1, as amended submitted

to be allowable over this reference. Accordingly, claim 4 is also submitted to be allowable and the rejection based on Fox is respectfully traversed.

Claim 10 stands rejected under 35 USC §103(a) as being obvious in view of a combination of Fox and Swiderski, Jr. et al (US 4,147,220). Applicants respectfully assert that claim 10 ultimately depends from claim 1, as amended submitted to be allowable over the Fox reference. Neither Fox nor Swiderski, taken alone or in combination, suggest or disclose the invention as now recited in amended claim 1. Accordingly, claim 10 is also submitted to be allowable and the rejection based on Fox and Swiderski is respectfully traversed.

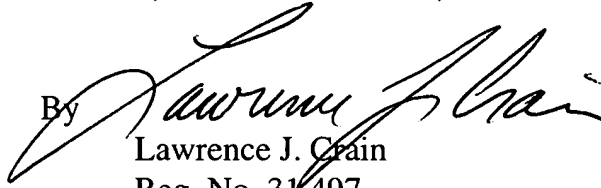
None of these references, whether cited or of record and including Spear, Petit, Salcido et al., Fox '851, Moorhead, Sr., Causey et al., Bullock, Elford, Van Troba, Geibel and Steele, taken either alone or in combination, disclose the invention as now claimed. Salcido et al. fail to disclose an angled handle as now recited in claim 1.

Applicants submit that in view of the above-identified amendments and remarks, the claims in their present form are patentably distinct over the art of record. Allowance of the rejected claims is respectfully requested. Should the Examiner discover

there are remaining issues which may be resolved by a telephone interview, he is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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